

Customer No. 25280

Case No. 5028B

REMARKS

Claims 1, 3-5, 7, 9-11, 15 and 16 were pending in the application. Claims 1, 3-5 and 7 are hereby canceled without prejudice. Claims 9, 11 and 15 have been amended. Claim 17 has been added. Thus, claims 9-11, 15, 16 and 17 are subject to continued examination.

Each of the claims now recites that the carpet substrate comprises a plurality of interwoven carpet yarns defining a user contact surface having a sisal-like surface texture including plurality of raised knuckles with interstitial depressions between the raised knuckles. In addition, each of the claims now specifically recites that the carpet is jet dyed with a design or pattern and the DPI of the design or pattern is greater than the number of woven yarns per inch in the weave construction.

It is respectfully submitted that the art of record does not teach or suggest such process limitations and that the totality of the art actually teaches away from the invention as claimed. Accordingly, reconsideration and withdrawal of all outstanding rejections is requested at this time.

It is well established that the art must be considered for everything it teaches – including portions that would lead away from the invention. In this regard, Applicants note that the reference to Blumenau appears to disclose only print dyeing of flat materials including flat fabrics and level pile fabric materials. As best understood, the Office Action takes the position that the general teaching in Blumenau regarding patterning of woven fabrics such as upholstery fabrics and pile fabrics indicates that the disclosed printing technique is not necessarily limited to flat structures. The Office Action thus concludes that the prior arguments that Blumenau teaches away from patterning a sisal-like construction are without merit. Applicants respectfully disagree.

Applicants note that the Office Action itself recognizes that the degree of non-fatness depends on the size of the fiber or yarn used. In each of the claims the yarn of use is recited to be “a carpet yarn” which defines a sisal-like surface texture. The term “carpet yarn” denotes to

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those of skill in the art a relatively heavy yarn and thus a substantial degree of non-flatness. In this regard Applicants draw the Examiner's attention to page 17, lines 5-15 of the cited reference to Scott (WO 99/19557) which indicates that yarns in the range of 600 to 3600 denier are "carpet weight" yarns and are heavier than yarns conventionally used for the production of upholstery, drapery and other lighter weight fabrics. Moreover, even the pile yarn disclosed in Blumenhaus is described as a level pile carpet. See, Col. 5, line 34-35. Thus, although the disclosed structures in Blumenhaus are not necessarily perfectly flat they certainly do not have the degree of surface irregularity that is associated with the claimed sisal carpet construction.

Applicants also note that Blumenhaus contemplates the use of screen printing rather than jet dyeing as presently claimed. As best understood screen printing is suited for relatively level application surfaces. Thus the present practice not only departs from the express teachings of Blumenhaus by using a highly irregular surface but also uses a completely different dye application technique.

Applicants also note that Blumenhaus advocates reducing the dye application detail down to about 8 dots per inch from a higher dots per inch which was unsuitable for carpet. Applicant's recital that the DPI of the applied design or pattern is greater than the number of carpet yarns per inch of the carpet substrate appears to run contrary to the general philosophy of reducing the DPI levels advocated by Blumenhaus.

Finally, Applicants wish to point out that while Scott teaches a woven face carpet as an alternative to pile carpets, Scott also teaches that patterns are developed in such woven face carpets by the use of different warp and weft yarn colors. Thus, as best understood, Scott does not contemplate the ability to jet dye pattern a woven face carpet. While the Shoshkes reference teaches that carpet can be printed, there is no teaching as to the jet dyeing of a woven carpet. Rather, as best understood, the Shoshkes contemplates only roller printing and screen printing. See, Page 39, Col. 2.

Conclusion:

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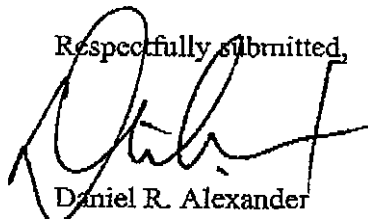
In light of the amendments and remarks set forth above, it is respectfully submitted that the art of record does not provide a basis for continued rejection of the claims as now written. Accordingly, reconsideration and withdrawal of all outstanding rejections is requested at this time.

Extension Request/Authorization to Charge Deposit Account:

A petition for a one month extension of time accompanies this submission. To any extent required, a request for an additional extension of time is hereby made. Authorization is provided to deduct the RCE fee, the extension fee and any additional fee as may be required from Deposit Account No. 04-0500.

February 6, 2004

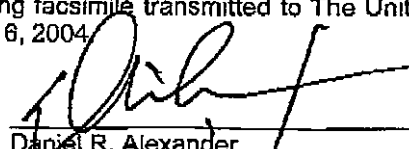
Respectfully submitted,



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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to The United States Patent and Trademark Office at 703-872-9306 on February 6, 2004.



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Attorney for Applicant(s)